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SUBJECT: TIP - SWITZERLAND: ANNUAL ANTI-TRAFFICKING
IN PERSONS REPORT

REF: STATE 2094

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I. SUMMARY OF NEW DEVELOPMENTS

(U) Switzerland continued to make progress in its anti-trafficking-in-persons practices and achievements. To further improve the process for gathering statistics on investigations and prosecutions, the 26 cantons decided to harmonize cantonal recording and reporting practices by 2010. However, these efforts to consolidate national TIP data have thus far proved to be more difficult than authorities anticipated. Swiss officials are still working out apparent anomalies between 2008 case information reported to the Federal Statistics Office and information reported or otherwise available to the Federal Office of Police from the cantons. The government cooperated with other governments in the investigation and prosecution of trafficking and trafficking-related offenses.

(U) Protection: The government enacted new protective measures for TIP victims. Data on the number of TIP victims referred by Swiss authorities to assistance centers for victims of crime in 2008 are not yet available, but expected soon.

(U) Efforts to improve the legal protections of TIP victims continued. In 2008, the government amended the Federal Law on Foreigners, thereby reinforcing the legal framework in which cantons can provide TIP victims stays of deportation proceedings to recover from their trauma and weigh participation in judicial proceedings. The law further allows the federal government to logistically and financially assist trafficking victims and witnesses, for whom a return is acceptable, in the re-integration in their countries of origin. The government also revised the Federal Victims Assistance Law. The revision, which entered into force on January 1, 2009, enhances crime victims' right to emergency protections and allows cantons to pool resources to establish regional victim assistance centers specializing in certain types of crime (e.g. TIP).

(U) On November 27, the Swiss government submitted to the Parliament a bill for the ratification of the Council of Europe's Convention on Human Trafficking and for the adoption of a comprehensive witness protection program that enables officials to provide victims of crime with new identities.

(U) Prevention: Swiss government agencies continued to fund several prevention and protection programs abroad.

(U) On September 29, the Federal Office of Police announced that in the previous 12 months, approximately 12 cases of suspected child sex tourism were reported on a Web site it established in 2008 to enable travel agencies and individuals to report suspicious travel. The federal police forwarded relevant information to the competent municipal, cantonal, or international police offices for further investigation.

II. THE COUNTRY'S TIP SITUATION

(U) A. The Swiss Federal Office of Statistics collects data on TIP and TIP-related crimes. Useful NGO information also is available, particularly with regard to assistance provided to victims of TIP crimes.

(SBU) The Federal Office of Police Coordination Unit against the Trafficking of Persons and Smuggling of Migrants (KSMM) also collects TIP data. It is currently working to determine why the Federal

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Office of Statistics does not have information on as many TIP convictions for 2008 as have been reported to the KSMM by cantonal officials. The KSMM will provide authoritative case information for 2008 as soon as it has resolved these anomalies, and KSMM contacts are aware of the importance of this data to the TIP report process.

(U) B. Switzerland is primarily a country of destination for persons being trafficked, almost exclusively women, but transit also occurs. Trafficking occurs both across borders and within the country. Swiss officials estimate the number of trafficking victims at a few hundred per year. Federal Police assess that the total number of potential trafficking victims currently living in Switzerland is between 1,500 and 3,000. The great majority of trafficking victims are forced into nude dancing and prostitution. Trafficking for the purpose of labor exploitation as domestic servants also occurs but appears to be relatively limited.

(U) Several cantons (states), including Zurich, Geneva, Basel, Bern, Vaud, and Ticino, recorded an increase in the number of registered prostitutes and commercial sex establishments. In the city of Zurich, prostitution reportedly has increased significantly in 2009. According to police estimates, 795 new prostitutes arrived in Zurich in 2009, compared to 605 in 2008. At least 300 prostitutes came from Hungary; many of them were part of the Roma minority and were reportedly particularly vulnerable for trafficking.

(U) C. In some cases, victims are subjected to physical and sexual violence, threats to themselves or their families or both, drugs, withholding of documents, and incarceration. Police estimates suggest that up to 50 percent of illegal

prostitutes' gross income is paid to brothel owners and traffickers who organize the passage and entry to Switzerland. While the majority of TIP victims still are found in Swiss urban areas, in recent years police and NGOs increasingly have encountered TIP victims working in contact bars in more rural areas.

(U) D. Both Federal Police and NGO sources noted a considerable increase in 2009 in the number of young women being trafficked into Switzerland for sexual exploitation from Eastern Europe, particularly Hungary. TIP victims in Switzerland typically come from Eastern Europe and the former Soviet Union (Hungary, Poland, Bulgaria, Slovakia, Czech Republic, Slovenia, Romania, Ukraine, Moldova), Latin America (Brazil, Dominican Republic), Asia (Thailand, Cambodia), and to a lesser extent from Africa (Nigeria, Cameroon). The Zurich-based Information Center for Women from Africa, Latin America, and Eastern Europe (FIZ) reported that roughly 43 percent of the 160 TIP victims counseled in 2008 came from Eastern Europe, another 30 percent from Latin America, about 15 percent from Asia, 9 percent from Africa and the remaining 3 percent from Western Europe.

(U) E. Trafficking into the country is primarily performed by individuals and small groups related through ethnic, clan, or family ties, as well as organized criminals. Federal Police have reported that traffickers are increasingly well organized with far-reaching international networks. Often, the perpetrators and victims are from the same cities and regions. In addition to men, women also play a role in the recruitment, intermediary, or exploitation process. How many trafficking victims were lured into Switzerland under false pretenses and how many were brought in fully aware that they were going to engage in prostitution in Switzerland is unclear, but under Swiss law both are punishable as human trafficking.

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III. SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS

(U) A. Government officials at the highest level acknowledge that trafficking is a problem. On November 27, the Swiss government submitted to the Parliament a bill for the ratification of the Council of Europe's Convention on Human Trafficking and for the adoption of a comprehensive witness protection program that enables officials to provide victims of crime with new identities. With the adoption of the law on a comprehensive witness protection program, Switzerland will reportedly meet the requirements of the Convention.

(U) B. The Federal Office of Police (BAP) is the federal government's primary actor in anti-trafficking efforts. The BAP's Federal Criminal Police handles international cooperation and investigations of organized crime; the Service for Analysis and Prevention, i.e. the domestic intelligence service, does strategic analysis of information. The Federal Office of Police also hosts the Coordination Unit against the Trafficking of Persons and Smuggling of Migrants (KSMM), which is the federal government's interdepartmental body to coordinate and monitor anti-trafficking efforts. The KSMM develops anti-TIP strategies and policies in consultation with its constituting ministries

that retain final responsibility for their implementation.

(U) The prosecution of illegal prostitution (i.e. prostitution without a valid work permit) and trafficking of persons normally falls under the jurisdiction of cantonal police and judicial authorities. However, cases linked to organized crime fall under the authority of the federal authorities to investigate and prosecute. The Federal Office of Migration has the lead in easing the return of trafficking victims and assisting in their re-integration in their home societies.

(U) The following government agencies are represented on the Steering Committee of the KSMM, taking active part in the fight against human trafficking:

Federal Level:

- Ministry of Foreign Affairs
 - Political Division IV (Human Security)
 - Directorate for International Law
 - International Development Cooperation
- Finance Ministry
 - Swiss Border Guards
- Ministry for Justice and Police
 - Office of the Prosecutor General
 - Federal Office for Migration
 - Federal Office of Justice
 - Federal Office of Police
- Economics Ministry
 - Directorate of Labor

Cantonal (i.e. state) Level:

- National Conference of Cantonal Chiefs of Police
- National Conference of Prosecuting Offices
- National Conference of Equal Opportunity Offices
- National Conference of Victims Assistance Centers
- National Conference of Cantonal Migration Offices

NGOs/IOs:

- Information Center for Women from Africa, Latin America, and Eastern Europe (FIZ), Zurich
- International Organization for Migration, Bern
- Foundation Terre des Hommes, Lausanne
- Association Liberté, Geneva

(U) C. In general, criminal cases against traffickers are not pursued (for lack of evidence) unless their victims are willing to testify. Federal and cantonal police and immigration authorities follow a policy of granting potential

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TIP victims a stay of deportation proceedings to give them time to recover from their trauma and to let them freely decide whether to participate in judicial proceedings against their tormentors. On December 17, the Federal Office for Migration issued instructions on the conditions for providing residency permits to victims and witnesses of human trafficking in Switzerland. The instructions state that a "hardship" residency permit may be granted independently of the victim's willingness to testify.

(U) A number of major urban centers and suburban cantons have established written agreements on a referral process for TIP victims in the context of regular roundtable meetings between NGOs and cantonal justice, police, and immigration authorities. As a direct result of the federal regulations to stay deportation proceedings and the better local cooperation between NGOs and law enforcement officials, the number of TIP victims willing to testify against their traffickers has risen considerably.

(U) D. The Federal Office of Police's Coordination Unit against the Trafficking in Persons and Smuggling of Migrants (KSMM) is the federal government's main coordinating and monitoring body of its anti-trafficking efforts. Through its coordinating role, the KSMM keeps abreast of anti-trafficking efforts on all fronts (prevention, victim protection, and prosecution) both at the federal and cantonal level. In addition, its remit includes monitoring of parliamentary ratification of international conventions and offering expert advice on trafficking-relevant legislative reform.

(U) The KSMM has made available its assessment of Swiss anti-trafficking efforts to the Council of Europe, the OSCE, and the UN. The Federal Police's Service for Analysis and Prevention, i.e. the government's domestic intelligence service, does strategic analysis of human trafficking in and throughout Switzerland and publishes its findings in the Federal Office of Police's annual report on homeland security.

(U) E. The Civil Register Office of every municipality is responsible for the registration of births, deaths and marriages as well as acknowledgements of paternity. In Switzerland, all births must be reported to the civil register office of the place of birth.

(U) All foreign nationals desiring to reside in Switzerland must register at the Residents' Registration Office within eight days of their arrival. The Residents' Registration Office is responsible for changes of address, temporary or permanent residence permits and issues passports and ID cards.

(U) F. Because Switzerland has a federal system in which 26 cantons have primary and largely independent authority for law enforcement, national data collection is a more cumbersome process than in centralized states. Moreover, data on convictions and sentences often changes until judicial appeals processes have run their course, which can take 18 months or more. To further improve the process for gathering statistics on investigations and prosecutions, the 26 cantons decided to harmonize cantonal recording and reporting practices by 2010. However, these efforts to consolidate national TIP data have thus far proved to be more difficult than authorities anticipated. Swiss officials are still working out apparent anomalies between 2008 case information reported to the Federal Statistics Office and information reported or otherwise available to the Federal Office of Police from the cantons.

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IV. INVESTIGATION AND PROSECUTION OF TRAFFICKERS

(U) A. The Swiss Penal Code has two articles specifically prohibiting trafficking in persons: Article 182, effective since December 1, 2006, stipulates that anyone acting as the supplier, broker, or buyer in the trafficking of a human being for the purposes of sexual exploitation, labor exploitation, or to remove a body organ shall be liable to imprisonment or a fine, or both. The act of recruiting an individual for the purposes aforementioned also qualifies as trafficking and is liable to the same punishment. If the trafficking

victim is a minor under 18 years of age or if the perpetrator repeatedly engages in human trafficking, the minimum penalty is a prison sentence of one year. Article 182 applies universally; traffickers are subject to prosecution in Switzerland even if the act of trafficking was committed abroad, and regardless of whether trafficking is a crime in the foreign country where the act took place.

(U) Article 195 prohibits the promotion of prostitution and states that anyone inducing a person into prostitution by abusing a situation of dependency or promising pecuniary advantage, anyone impairing a prostitute's freedom of movement by checking on the activities in question or fixing the place, time or extent or any other circumstances of the prostitution, or anyone secluding a person for prostitution shall be liable to imprisonment.

(U) Other forms of trafficking or exploitation of human beings are implicitly covered by the Penal Code's provisions against threat, coercion, deprivation of personal liberty, and kidnapping (Articles 180, 181, 183). The Immigration and Naturalization Law penalizes facilitating the illegal immigration of foreigners into Switzerland as well as the employment of foreigners without proper work permission. The Constitution implicitly bans forced or compulsory labor. Article 27 provides for economic freedom and explicitly guarantees the right to choose freely one's profession as well as unrestrained access to and unencumbered exercise of a gainful occupation. Forced or bonded labor by children is explicitly forbidden under Article 30 of the 1964 Labor Act.

(U) B. The maximum sentence for trafficking in persons for sexual exploitation is a prison term of twenty years (Penal Code Article 182). Coercing someone into prostitution or restricting a prostitute's personal freedom (Penal Code Article 195) can carry a prison sentence of up to ten years.

(U) C. Under Penal Code Article 182 the penalties prescribed for trafficking for labor exploitation are the same as for trafficking for sexual exploitation. The minimum penalty is a fine; if the victim was a minor under 18 years of age, the minimum penalty is a one-year prison sentence. Maximum penalty is 20 years in prison. Article 182 explicitly prohibits all acts related to labor trafficking - recruitment, supply, transfer, or the receipt of persons being trafficked. Thus, both the labor recruiters in labor source countries and the employers or labor agents in labor destination countries are subject to prosecution in Switzerland. Article 182 applies universally; labor recruiters are subject to prosecution in Switzerland, even if the act was committed in a foreign country where labor trafficking may not constitute a criminal offense.

(U) D. The Penal Code also punishes rape, forcible sexual assault, and other sex crimes. Sexual activity with minors (Article 187) and sexual acts with dependent persons (Article 188) are punishable with up to five years imprisonment; sexual coercion

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(Article 189), rape (Article 190), and sexual violations of mentally or physically incapacitated persons (Article 191) are liable to a maximum ten year prison sentence; sexual acts with detainees (Article 192) and taking advantage of a person's distress or dependency due to employment or any other condition to induce a sexual act or acceptance

thereof (Article 193) carry a maximum penalty of imprisonment for up to three years.

(U) E. The investigation and prosecution of forced prostitution and human trafficking as well as the protection of victims in Switzerland normally fall under the jurisdiction of the cantons, and consolidating national statistics can lag by 12-18 months.

(U) Under Switzerland's federal structure, the cantons hold jurisdiction over most criminal infractions, and statistical records of reported crime and police investigations vary greatly from canton to canton. In 2007, the inter-cantonal Working Group on Human Trafficking and Migrant Smuggling established a database on the ongoing investigations and prosecutions on suspicion of human trafficking or forced prostitution in the cantons. Cantonal authorities report ongoing investigations/prosecutions on a voluntary basis.

The data base is maintained by the Human Trafficking/Migrant Smuggling Investigative Unit of the Federal Criminal Police, which also coordinates inter-cantonal and international trafficking investigations. According to this developing database, there were at least 26 police investigations or prosecutions during 2008 for human trafficking for the purposes of sexual or labor exploitation.

CONVICTIONS:

| Year | Art. 196/182 | Art. 195 | Total |
|------|--------------|----------|-------|
| 1999 | 7 | 14 | 21 |
| 2000 | 5 | 17 | 22 |
| 2001 | 2 | 17 | 19 |
| 2002 | 2 | 11 | 13 |
| 2003 | 7 | 6 | 13 |
| 2004 | 2 | 12 | 14 |
| 2005 | 12 | 15 | 27 |
| 2006 | 5 | 14 | 19 |
| 2007 | 18 | 17 | 35 |

(U) (Note: Swiss Federal Police contacts inform us that they are working to resolve anomalies between 2008 TIP conviction data collected by the Federal Office of Statistics and data reported directly to the KSMM by cantonal officials. KSMM contacts are aware of the importance of this data to our TIP reports process and will provide post with the most authoritative data available as soon as possible.)

(U) On January 22, the Lausanne Criminal Court found a Ugandan guilty on charges of human trafficking and aggravated extortion and sentenced him to a prison sentence of four years.

(U) On September 16, the High Court of Zurich upheld a sentence of three and a half years in prison against a Bulgarian who had forced women into prostitution and trafficked some of them.

(U) F. Investigators of the Federal Criminal Police receive specialized training in investigating incidences of organized crime, including human trafficking. Under the 2001 Efficiency Bill, the Federal Criminal Police obtained from the cantons the jurisdiction to investigate and prosecute more complex cases of human trafficking that span several cantons or are linked to organized crime. The Federal Criminal Police also handles international cooperation in the investigation of incidences of

human trafficking.

(U) G. The Swiss government readily cooperates with other governments in the investigation and prosecution of trafficking cases. The Federal Criminal Police takes part in the expert working groups of both Europol and Interpol.

(U) Switzerland has a bilateral cooperation accord between Europol and the Swiss Police, allowing the latter to obtain information from Europol's intelligence files on organized crime, drug trafficking and terrorism. Under the terms of the agreement, Swiss Federal Police have assigned to The Hague a liaison officer whose role is to support and coordinate the cooperation between Switzerland and other EU countries. There is also a Swiss Police liaison at the headquarters of Interpol.

(U) H. Extradition is permitted if the act in question is punishable under Swiss law and the law of the requesting state, liable to a term of imprisonment of at least one year, and no Swiss court is competent in the matter. No Swiss national shall be extradited to a foreign country for penal prosecution or execution of a verdict without his or her written consent. The person in question may revoke consent until the order for the extradition is issued.

A request for extradition is complied with only if the requesting country accords reciprocity. Foreigners may be extradited to another state for offenses punishable under its laws or for serving a term of imprisonment if this state applies for extradition or accepts, upon request of the Swiss authorities, to prosecute the person in question or to execute a verdict cast by Swiss authorities. Swiss Police statistics record extraditions only by country so no extraditions statistics are available for specific criminal offenses. There have been no changes to extradition law.

(U) I. Trafficking is not tolerated in Switzerland, and there are no indications or reports that government officials are involved.

(U) J. N/A

(U) K. There have been no indications or reports that Swiss military or civilian personnel deployed on international peace-keeping missions have engaged in or facilitated severe forms of trafficking or exploited victims of such trafficking. Switzerland pursues a zero-tolerance policy regarding sexual exploitation by personnel participating in international peace-keeping missions.

(U) L. The 2002 partial revision of the Penal Code providing for the extraterritorial coverage of Switzerland's child sexual abuse laws entered into force on January 1, 2007. Anybody violating Swiss child sexual abuse laws is subject to prosecution in Switzerland under the extraterritorial provisions of the Penal Code regardless of the legislation of the foreign country where the abuse took place.

IV. PROTECTION AND ASSISTANCE TO VICTIMS

(U) A. Under the Swiss Victims Assistance LAW (OHG), all TIP victims are entitled to help from government-funded victims assistance centers for abuse victims or women shelters and enjoy special safeguards during criminal proceedings, and cantonal

authorities do provide these protections in practice. On November 27, the Federal Government submitted a bill to the parliament on a comprehensive witness protection program that allows authorities to provide victims of crime with new

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identities. The draft proposed the creation of a centralized witness program agency. The consultation period in the Swiss parliament will last until mid-March 2010.

(U) On January 1, 2009, a revision entered into force, which requires the cantonal victim assistance centers to take into account the special needs of different groups of victims of crime. Under the revised OHG, a canton can pay financial compensation to another canton for counseling services provided to a victim of crime within the latter canton's jurisdiction. This is meant to provide urban centers additional incentives and resources to establish specialized victim counseling centers, such as a victims' assistance centers tailored to supporting TIP victims.

(U) In 2007, Parliament adopted a new federal code of criminal trial proceedings that will supplant the existing 26 cantonal codes. The new federal code strengthens the existing witness protection measures under the OHG in order to avoid a perpetrator in a TIP case learning the identity of a prosecution witness and it gives witnesses the right to call on an attorney and/or a confidante during court proceedings. The government plans to put the new federal code into effect on January 1, 2011. Implementation requires several years because, even under the new federal code of criminal trial proceedings, law enforcement remains the dominion of the cantons. Cantons need time to amend their legislation and adjust cantonal operating modes to the new federal regulations on court proceedings.

(U) B. Under the OHG, TIP victims are entitled to free and immediate material and medical aid as well as psychological, social, and legal assistance. Local victims assistance centers have to provide TIP victims with a minimum of 14 days of emergency lodging, 14 days of living allowance, 4 hours of consultation with a lawyer and 5 sessions of psychotherapy, with all other expenses for medical treatment, transportation, personal safety, or translation services being covered by the government. If recovery requires more time, the government is obligated to assume the additional cost of longer-term care. The victims' assistance center may lodge a TIP victim in a shelter for battered women.

(U) According to Swiss federal government statistics, in 2007 (most recent figures available) a total of 128 victims of human trafficking or forced prostitution received help from government victims assistance centers, compared to 90 in 2006. Swiss officials are aware of our interest in this information for TIP reporting purposes, and will provide 2008 data to post as soon as it is available. The NGO FIZ Makasi, a victim assistance center counseling TIP victims, assisted 186 trafficking victims in 2009, compared to 160 in 2008, 167 in 2007, 133 in 2006 and 116 in 2005. FIZ Makasi, which was launched in 2004 by the Zurich-based NGO FIZ, has received some financial contributions from the federal government and several cantons for counseling services offered to TIP victims under their jurisdiction.

(U) Foreign juvenile victims of crime under 18 years of age have to be placed under the protection of the Cantonal Guardianship Office (Vormundschaftsbehoerde) during their stay in Switzerland. In criminal court proceedings, the OHG provides special protective measures for juvenile victims of crime: Questioning by police or the investigative magistrate must occur soon and the testimony is recorded on videotape. Cross-examinations are not allowed. The questioning has to be done by a recognized expert and no more than two sessions are allowed. The law recognizes the special needs of juvenile victims of crime and they

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may only serve as witnesses of the prosecution if their testimony is indispensable for the conviction of a suspect.

(U) In case of the repatriation of a juvenile victim of crime (after the end of the stay-of-deportation proceedings or a criminal court procedure), the Federal Office for Migration and cantonal migration offices have to take into account that the person in question is a minor under 18 years of age. Under the law, a return to the country of origin is only permissible if the authorities have ascertained that the juvenile can be placed again in the care of the parents or a close relative, or if there is a satisfactory care structure in place in the country of origin.

(U) C. Federal and cantonal governments provide some funding to NGOs and women shelters that provide services to TIP victims, primarily on the basis of agreed per capita payments for services rendered to victims. Under the 1993 OHG, all cantons are obligated to offer TIP victims the services listed above. Internationally, the Swiss Ministry of Foreign Affairs provides funding to International Organizations and NGOs providing services to TIP victims, primarily through its development aid arm SDC and the rest through its human rights and human security division. Post has requested the MFAQs TIP-related funding statistics for 2009, and will provide that information in a supplemental report.

(U) D. The government does assist foreign victims of trafficking by granting relief from deportation and providing temporary to permanent residency status in cases of serious hardship. Under the Federal Law on Foreigners, effective January 1, 2008, cantonal immigration authorities are expected to grant TIP victims a minimum 30-day stay of deportation proceedings to let them recover from their trauma and weigh participation in judicial proceedings against their traffickers. Cantonal immigration authorities may admit TIP victims willing to cooperate with judicial authorities for up to three months or may issue short-term residency permits (with the consent of the federal authorities) if the criminal investigation takes longer. In 2008, cantonal immigration offices granted the 30-day stays of deportation proceedings to 22 trafficking victims (33 in 2007) and issued 20 short-term residency permits for the duration of legal/court proceedings against their traffickers (6 in 2007). Post will provide 2009 statistics on stays of deportation proceedings for TIP victims in a supplemental report, when that information is available from Swiss federal authorities.

(U) E/F. The new Federal Law on Foreigners further strengthens the legal status of TIP victims and witnesses, explicitly authorizing the government to waive normal immigration requirements and grant

residency permits for victims of human trafficking as well as witnesses in human trafficking cases. The Federal Office for Migration grants trafficking victims temporary admission in Switzerland if they are at risk of personal harm as witnesses in criminal proceedings or if a return to the country of origin is deemed unreasonable. In 2008, four victims were granted such long-term residency permits on grounds of personal hardship after the end of court proceedings (four in 2007). The law also allows the federal government to logistically and financially assist trafficking victims and witnesses for whom a return is acceptable in their re-integration in their countries of origin. In April 2008, the Federal Office for Migration started a two-year pilot project to assist trafficking victims and witnesses in their return to and re-integration in their home societies. Post will provide 2009 statistics on any residency permits provided to TIP victims in a supplemental report, when that information is available from Swiss

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federal authorities.

¶G. The number of TIP victims receiving counseling services from professional assistance centers for victims of crime rose from 90 in 2006 to 128 in ¶2007. Swiss officials are aware of our interest in this information for TIP reporting purposes, and will provide 2008 data to post as soon as it is available.

(U) Embassy contacts have stressed that statistics available indicate that persons on L-permits do not figure prominently among TIP victims. Police authorities have shared the assessment that the great majority of TIP victims enter the country without any proper documentation.

(U) H. Thirteen out of Switzerland's 26 cantons have established a formal referral process for TIP victims to improve their protection and security by regulating the procedures for identifying and referring TIP victims for assistance. Four major cantons (Bern, Ticino, Vaud and Zurich) have put in place special police units for screening for trafficking victims involved in the legal commercial sex trade.

(U) I. Under the Federal Law on Foreigners, effective January 1, 2008, cantonal migration authorities are expected to grant TIP victims a stay of deportation proceedings to recover from their trauma and weigh participation in judicial proceedings. The new law further strengthens the legal status of TIP victims and witnesses, explicitly authorizing the government to waive normal immigration requirements and, in cases of serious hardship, grant residency permits for victims of human trafficking as well as witnesses in human trafficking cases.

(U) The new Federal Law on Foreigners also allows the federal government logistically and financially to assist in the voluntary return to and re-integration of trafficking victims and witnesses in their countries of origin. The Federal Office for Migration in April 2008 started a two-year pilot project to assist primarily victims and witnesses of human trafficking and secondarily cabaret dancers in Switzerland who are in an exploitative situation. The pilot project is being implemented in co-operation with cantonal bodies assisting returning migrants and the International Organization for Migration. Under the new Federal Law on Foreigners,

the beneficiaries of the pilot program receive the same assistance and have access to the same counseling services as are offered to asylum seekers returning voluntarily. This includes financial, material, and medical assistance in the return to the country of origin. The pilot project takes into account the special needs of TIP victims (i.e. risk assessment, rehabilitation programs, etc.). After the pilot phase, the project will be evaluated and potentially slightly modified. It will then be turned into an indefinite TIP victim return assistance program.

(U) J. The Swiss Government encourages TIP victims to assist judicial authorities in trafficking investigations and prosecutions by granting them temporary residency and financial support, and admitting them to stay if a return to their country of origin posed a serious risk of personal harm. The Swiss Victims Assistance Law (OHG) safeguards TIP victims' rights in criminal prosecutions with special rules for trial procedures and for compensation and redress. The OHG covers all victims of crimes, including foreigners staying illegally in Switzerland. The OHG provides for the special protection of witnesses' identity in criminal court proceedings: victims/witnesses may request the trial to take place behind closed doors and avoid confrontation with the defendant. The OHG

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is a federal law and thus binding on all cantonal codes of criminal trial proceedings. TIP victims may also file civil suits against their traffickers and seek financial compensation. Under the Federal Law on Foreigners, effective January 1, 2008, TIP victims temporarily admitted for the duration of court proceedings against their traffickers may be issued a work permit during their stay. On September 7, the Court of Solothurn sentenced two owners of a brothel in the canton of Solothurn to prison sentences of 4 1/2 years (for the main offender) and 15 months, without requiring the victims to testify. The Court found that the facts that the victims were in Switzerland illegally, that the victims did not speak any Swiss languages, nor have other sources of support, proved that the victims were totally dependent upon the brothel owners, and that their self-determination was therefore limited to a decisive extent.

(U) Several major urban centers have established a referral process for TIP victims in the context of regular roundtable meetings between NGOs and cantonal justice, police and immigration authorities. As a direct result of the regulation to stay deportation proceedings and the better cooperation between NGOs and law enforcement officials, the number of TIP victims willing to testify against their traffickers has risen considerably.

(U) K. The GOS provides extensive training for government officials in identifying trafficking victims and providing assistance. The Swiss Police Institute in 2009 held specialized five-day anti-TIP workshops for migration and law enforcement officials and border guards. From November 9 to 13, the first course in French was held in the French Speaking part of the country and from November 19 to 20, a special training session for representatives from the judiciary took place in Bern.

(U) The Swiss Department of Foreign Affairs briefs experts and diplomatic personnel about the problem of trafficking in human beings prior to their

postings abroad, and draws their attention to a code of conduct drafted by a joint working group on human trafficking. According to these rules, diplomatic staff shall stay clear of any person who can reasonably be suspected of engaging in trafficking in human beings or those who are involved in other criminal activities under the laws of either the host country or of Swiss or international law. The Department of Foreign Affairs also urges its embassies and consulates to develop ongoing relationships with NGOs assisting trafficking victims.

(U) The Federal Department of Foreign Affairs anti-TIP information and prevention program for visa applicants is conducted by all Swiss consulates worldwide. The program consists of the following elements: a personal interview with every first-time L-visa applicant; the signing of a standardized labor contract with a Swiss night club in the presence of a Swiss consular official; a briefing of the L-visa applicant on her or his legal and contractual rights; and an information brochure with the phone numbers and addresses of victim assistance hotlines or drop-in centers in Switzerland for persons in need.

(U) L. N/A

(U) M. The following is a list of IOs and NGOs operating in Switzerland that provide services to trafficking victims:
Terre des Hommes, Switzerland;
Ecpat Switzerland (end child prostitution, child pornography and trafficking of children for sexual purposes);
International Organization for Migration;

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International Labor Organization;
Association Libert` (end human trafficking);
Women's Information Center for Women from Africa, Asia, Latin America and Eastern Europe (FIZ):
counseling, publications/articles,
symposiums/workshops, participation in round tables with aids-prevention and anti-violence groups, multi-lingual educational radio programs, and international contact building.

(U) In addition, a number of smaller NGOs counseling women in the sex trade as well as women shelters that exist in most urban centers, deal with the problem of human trafficking. A great number of these organizations are linked in the national network "Prostitution Collective Reflection" (ProKoRe). The major counseling centers and primary points of contact of ProKoRe are FIZ in Zurich, Xenia in Bern, and ASPASIE in Geneva.

(U) The 'Association Libert`' started as a joint pilot project of the awareness raising campaign 'End Human Trafficking Now!' and 'Friend of Humanity' in June 2008 with a specialized hotline for victims of human trafficking in Geneva. The initiators reported that in their first year they assisted 31 victims of human trafficking, which encouraged the initiators in June 2009 to form a local NGO aspiring to fill gaps in French speaking Switzerland in terms of victims' protection through a comprehensive approach to victims' assistance. Since then, they concluded a cooperation agreement with the Zurich based TIP counseling center FIZ.

(U) The national organizations and domestic NGOs typically deal with TIP victims, prostitutes, and victims of domestic violence and offer victim

counseling, crisis intervention and emergency lodging, legal and medical assistance, and assisted returns to the country of origin. Cooperation with local authorities is varied but typically includes regular meetings and institutionalized information exchange, cooperation in the context of working groups or roundtables, financial support by local communities and cantons, as well as public funding for specific projects.

VI. PREVENTION

(U) A. The City of Zurich together with FIZ hosted a symposium on June 11 dedicated to the topic of 'Women trafficking in Switzerland' combating strategies. The symposium was held in Zurich and attended by experts from the federal and the cantonal governments, NGOs and multi-lateral organizations. The symposium got wide media coverage throughout Switzerland.

(U) B. Switzerland's borders are adequately monitored and immigration regulations are stringent. Switzerland's visa sections in countries of origin inform applicants of "artistic visa" or L-permits about their rights when working in Switzerland. Information brochures are available in 16 languages. Some embassies have also displayed respective information on their homepage.

(U) Swiss Foreign Affairs Department officials have sensitized visa adjudicators to the problem and have invited NGOs to give training to embassy staff.

(U) The Swiss Border Guards, an administrative unit of the Federal Department of Finance, cooperate closely with the Federal Office for Migration on issues of asylum and migration. Combating irregular migration and the smuggling of migrants is a priority for the Swiss Border Guards. Border Guard officials receive special training to heighten awareness of human trafficking as part of the normal training program. Border guards report all

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suspicious activities to the cantonal police force of the area, which holds sole authority for further criminal investigations. However, in practice it has proven difficult for border guard officials to spot victims of human trafficking because the latter often give only limited information about themselves and commonly do not denounce their traffickers out of fear of reprisals. The leadership of the Swiss Border Guards, the Federal Office for Refugees, and the Federal Office for Migration are all represented on the KSMM to assure the flow of information and the analysis of immigration patterns for evidence of trafficking.

(U) The Ministry of Foreign Affairs constantly adjusts measures to combat visa abuse, ensuring that procedures are tailored to local conditions. In 2005 the MFA introduced systematic risk assessments and began subjecting Swiss missions to comprehensive inspections every four years. The MFA puts special importance on raising awareness among visa clerks and their line managers and on their careful screening and preparation for the task in high-risk missions.

(U) C. The key office coordinating the anti-trafficking efforts of the various government agencies is the Coordination Unit against the Trafficking of Persons and Smuggling of Migrants

(KSMM), which started operations at the beginning of 2003. Formally a part of the Federal Office of Police, the KSMM processes and passes information and coordinates policy within the federal administration as well as between the federal agencies and the cantons (states). It is also the primary point of contact for international inquiries on all issues linked to illegal migration and human trafficking.

(SBU) In February, 2010, the Swiss federal government organized a visit of Swiss police officials to Hungary for a dialogue on TIP prevention and to coordinate on some concrete TIP cases. MFA officials have informed post that the Swiss federal government plans to use this exchange as a model for dialogue and coordination with other countries.

(U) Internationally, Switzerland was one of the initiators of the OSCE Action Plan to Combat Trafficking in Human Beings and has been supporting the OSCE Special Rapporteur since 2000, both financially and with expert secondments.

(U) D. The KSMM seeks to implement the national action plan that its interdepartmental steering committee first adopted in 2003. In keeping with its decentralized structure, the steering committee is the KSMM's highest organ. The steering committee consists of directorate-level representatives of the federal departments involved in combating human trafficking, delegates from cantonal conferences and associations, as well as representatives from three NGOs and international organizations with a consultative status. The Steering Committee sets targets and the guidelines for the KSMM's activities and controls the drafting and implementation of measures. The Steering Committee is chaired by the Federal Office of Police.

(U) Specific measures are developed and implemented either by working groups set up for that purpose or by individuals with special support from the KSMM Secretariat.

(U) E. In conjunction with the European Soccer Cup (Euro 08), which Switzerland hosted jointly with Austria in June 2008, the federal government provided \$96,000 (100,000 Swiss francs) to NGOs to kick-start suitable public awareness campaigns against trafficking and forced prostitution. The campaign primarily targeted potential 'clients' of

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prostitutes.

(U) F. In summer 2008, the Association of Travel Offices in Switzerland signed an International Code of Conduct related to preventing child abuse abroad. In coordination with this effort, the Swiss federal police added a form to its internet site where suspected incidents of child sex tourism can be reported to appropriate law enforcement authorities. On September 29, the Federal Office of Police announced that in the previous 12 months, approximately 12 cases of suspected child sex tourism were reported on the Web site. The federal police forwarded relevant information to the competent municipal, cantonal, or international police offices for further investigation.

(U) G. N/A.

(U) A. On June 24, the Federal Department of Foreign Affairs started a three-year series of round tables on human trafficking for foreign experts in close cooperation with the International Organization for Migration (IOM). The first round table consisted of talks between Swiss experts and a delegation from Hungary (representatives from the Office of the National Coordinator against Human Trafficking in the Hungarian Ministry of Justice, the Hungarian national police force and the police and state prosecutor of the City of Budapest and Interpol). The talks aimed at sharing experiences and strengthening cooperation, since Hungary was one of the main countries of origin of victims of human trafficking in Switzerland.

(U) B. Post is awaiting update from GOS on the international assistance they've provided to other countries to address TIP.

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[Note: Post will provide an estimate of the number of hours spent in preparation of this report (and the ranks of the various personnel contributing those hours), when the report has been finalized.
End Note]

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